

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 20 2001

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

BARBARA J. SUTER; et al.,

Plaintiffs-Appellants,

v.

NEAL G. CURY, JR., Hospital Corporation
of America,

Defendants,

HOSPITAL CORPORATION OF
AMERICA; et al.

Defendants-Appellees.

No. 01-16722

DC# CV-99-286-DWH
Nevada (Reno)

ORDER

BY
DEPUTY

LANCE S. WILSON
CLERK

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FILED

A review of the record suggests that this court may lack jurisdiction over the appeal because the district court's determination that it would not entertain the Rule 60(b) motion is a procedural ruling and not a final determination on the merits. *See Gould v. Mutual Life Ins. Co. of New York*, 790 F.2d 769, 772 (9th Cir. 1986).

Within 14 days after entry of this order, appellants shall move for voluntary dismissal of the appeal or show cause why it should not be dismissed for lack of

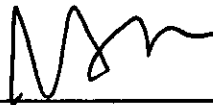
01-16722

jurisdiction. If appellants elect to show cause, appellees may respond within 10 days after service of appellants' memorandum.

If appellants do not comply with this order, the Clerk shall dismiss this appeal pursuant to Ninth Circuit Rule 42-1.

Briefing is suspended pending further order of the court.

For the Court



Mike Stocker
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A